

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 07-137-JJF

JEFFREY GRAY,

Defendant,

MOTION FOR CONTINUANCE OF TRIAL

Defendant, Jeffrey Gray, through undersigned counsel, Joseph A. Gabay, hereby moves this Honorable Court for an order re-scheduling the trial in this matter from April 14, 2008 until May 12, 2008.

The defense submits the following in support thereof:

1. The trial in this matter is currently scheduled to begin on Monday, April 14, 2008.
2. Defense counsel requires additional time to investigate and prepare for trial and does not anticipate being ready to proceed to trial on April 14, 2008. This case is complex with a significant trail of documents and paperwork. Defense counsel has had several discussions with the defendant in preparation for trial. As defense counsel has gotten further into this case it has become apparent that additional investigation and preparation needs to be undertaken in order for defense counsel to effectively represent the defendant.
3. Defense counsel has been working very diligently to get this case ready for trial by April 14, 2008. However, defense counsel was appointed, prior to Mr. Gray's arrest, to assume responsibility for prosecuting the direct appeal of James Cooke (a death row inmate) in the Delaware Supreme Court. The file and transcripts are quite voluminous and the issues are exceedingly complicated. Following several extensions Appellant's Opening Brief is due April 28, 2008.

4. In order for defense counsel to effectively represent the defendant a short continuance of one month is needed to complete needed investigation and preparation, as well as meet his obligations to the Delaware Supreme Court.

5. Counsel discussed this with the defendant and he has agreed to waive the time between April 14, 2008 and May 12, 2008 with regard to the Speedy Trial Act, 18 U.S.C. § 3161 (c) (1).

6. Defense counsel has spoken to AUSA Ileana Eisenstein, the attorney handling this case for the government. Ms. Eisenstein does not oppose the defendant's request for a continuance. Moreover, counsel have conferred amongst themselves and with chambers to arrive at the alternative date of May 12, 2008.

WHEREFORE, the defense respectfully requests that the Court re-schedule the trial in this matter from April 14, 2008 until May 12, 2008.

Respectfully submitted,

/s/Joseph A. Gabay
Joseph A. Gabay, Esquire
901 N. Market St
Suite 840
Wilmington, DE 19801
Attorney for Defendant Jeffrey Gray

DATED: April 2, 2008

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CERTIFICATE OF SERVICE

The undersigned attorney for defendant Jeffrey Gray hereby certifies that a copy of Defendant's Motion for Continuation of Trial is available for public viewing and downloading and was electronically delivered on April 2, 2008, to:

Ilana Eisenstein, Esquire
Assistant U.S. Attorney
United States Attorney's Office
1007 Orange Street, Suite 700
Wilmington, DE 19801

/s/ Joseph A. Gabay
Joseph A. Gabay, Esquire
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Attorney for Defendant Jeffrey Gray